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11 AUSTIN "JACK" DE COSTER

12 UNITED STATES DISTRICT COURT OF CALIFORNIA
13 EASTERN DISTRICT – SACRAMENTO DIVISION

14 NUCAL FOODS, INC.,

15 Plaintiff,

16 vs.

17 QUALITY EGG LLC; AUSTIN
18 "JACK" DECOSTER; DECOSTER
19 ENTERPRISES LLC; DECOSTER
20 REVOCABLE TRUST;
21 ENVIRON/WRIGHT COUNTY INC.;
22 HILLANDALE FARMS OF PA, INC.;
23 HILLANDALE IOWA LLC; and
24 HILLANDALE FARMS OF IOWA,
25 INC.,

26 Defendants.

Case No.: 2:10-CV-03105 KJM (CKD)

**DECLARATION OF ASIM K. DESAI
IN SUPPORT OF AUSTIN "JACK"
DECOSTER'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
RECONSIDERATION BY THE
DISTRICT COURT OF
MAGISTRATE JUDGE'S RULING
GRANTING MOTIONS TO STAY;
REQUEST FOR MONETARY
SANCTIONS**

27 I, Asim K. Desai, hereby declare as follows:

28 1. I am an attorney at law licensed to practice before all of the Courts in
the State of California and I am a partner with the law firm of Carlson, Calladine &
Peterson LLP, attorneys for Defendant AUSTIN "JACK" DECOSTER ("Mr.

1 evidence already considered by the Magistrate Judge. Plaintiff was afforded an
2 opportunity to withdraw the motion, but has refused. Sanctions should be awarded
3 as against Plaintiff and/or Plaintiff's counsel in the amount of Mr. DeCoster's costs
4 in responding to Plaintiff's motion.

5 8. My associates and I have spent a total of 17 hours of associate and
6 partner time meeting and conferring, researching and then drafting our client's
7 Opposition to this meritless motion, resulting in fees totaling over \$5000 which we
8 respectfully request as sanctions to compensate our client and to hopefully deter
9 future wasteful motion practice.

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct. Executed this 9th day of May 2012,
12 in Los Angeles, California.

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14 /s/ Asim K. Desai
Asim K. Desai
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CERTIFICATE OF SERVICE

I certify that on May 9, 2012, I electronically transmitted the foregoing document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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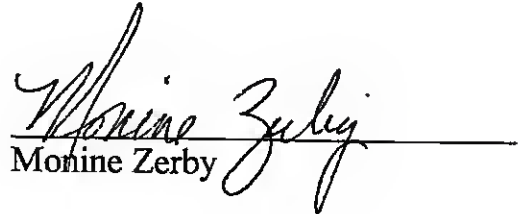
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1 I declare that I am employed in the office of a member of the bar of this Court
2 at whose direction this service was made.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on May 9, 2012, at Los Angeles, California.
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